

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GORDON FRANKLIN,
Plaintiff,

v.

ORDER
Civil File No. 22-2226 (MJD/LIB)

FMC ROCHESTER,
Defendant.

Gordon Franklin, pro se.

The above-entitled matter comes before the Court upon the October 28, 2022 Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois. (Doc. 5.) Petitioner filed objections to the R&R. (Docs. 6, 6-1.)

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation.

Since 1991, Petitioner has been civilly committed to the custody of the United States Government pursuant to 18 U.S.C. § 4246. He was placed on conditional release status in 2019 but failed to abide by the conditions of his release and was returned to custody. He is currently detained at FMC Rochester.

Judge Brisbois notes that the petition in this case is “extraordinarily difficult to parse” but appears to allege that Petitioner’s initial commitment and revocation of conditional release were unlawful. (Doc. 5 at 1.) Judge Brisbois recommends denying the petition with prejudice because, other than having signed the petition, Petitioner failed to comply with the requirements of Rule 2(c) of the rules governing habeas petitions and because Petitioner fails to state a colorable claim for relief. Petitioner’s objections to the R&R suffer from the same lack of cogent argument and focus as his original petition.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Leo I. Brisbois dated October 28, 2022. (**Doc. 5**);
2. Petitioner Gordon Franklin’s Petition for a Writ of Habeas Corpus (**Doc. 1**) is **DISMISSED WITH PREJUDICE**; and
3. Petitioner’s application to proceed in forma pauperis (**Doc. 4**) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 17, 2023

s/Michael J. Davis

Michael J. Davis

United States District Court